

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Charlie Esters Foley;) C/A No. 4:09-1217-TLW-TER
Charlie Clayton Jackson Foley)
Charles Codey Foley;)
Ruby Sierra Foley;)
Gussie N. Strickland;)
Jackie R. Strickland;)
Peggy Strickland Smith;)
Deldon N. Strickland,)

Plaintiffs,)

vs.)

ORDER

[text begins on following page]

Town of Nichols;)
Marion County;)
James C. Little, individually and in his official capacity as Mayor;)
Emily Johnson, individually and in her official capacity as Town Clerk;)
Katherine McCormick, individually and in her official capacity as Town)
Council;)
Michael Elliott, individually and in his official capacity as Town Council;)
Tommesenia Floyd, individually and in her capacity as Town Council;)
John Q. Atkinson, individually and in his capacity as member of Marion)
County Council;)
Elosie W. Rogers, individually and in her capacity as member of Marion)
County Council;)
Tom Shaw, individually and in his capacity as member of Marion County)
Council;)
Allen Floyd, individually and in his capacity as Marion County Council;)
Milton Troy, individually and in his capacity as member of Marion County)
Council;)
Pearly Britt, individually and in his capacity as member of Marion County)
Council;)
Elista H. Smith, individually and in her capacity as member of Marion)
County Council;)
Pete Rogers, individually and in his official capacity as Marion County)
Administrator;)
K. Donald Fling, individually and in his capacity of Building Code)
Enforcement Officer;)
Donald Bryant, individually and in his capacity as Building Enforcement)
Officer;)
Dennis Floyd, individually and in his capacity as Building Code)
Enforcement,)

Defendants.)

Plaintiffs brought this civil action, *pro se*, on May 8, 2009. (Doc. # 1). This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. (Doc. # 70). In the Report, the Magistrate Judge recommends that the District Court dismiss the claims brought by the minor Plaintiffs, Charles Codey Foley and Ruby Sierra Foley. (Doc. # 70). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, *de novo*, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. # 70). Therefore, for the reasons articulated by the Magistrate Judge, the claims brought by the minor Plaintiffs are hereby **DISMISSED**.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

February 1, 2010
Florence, South Carolina